

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 24, 2006 PLANNING COMMISSION MEETING

PROJECT #: Special Permit #06032 - Club Kicks

PROPOSAL: To operate a private school for a dance and cheer studio for up to 30 kids and five staff members.

LOCATION: 4820 Rentworth Drive

LAND AREA: Approximately .55 acres.

EXISTING ZONING: I-1 Industrial

CONCLUSION: Staff has had concern over private schools in an industrial district since the Zoning Ordinance was amended in 1995 allowing them by special permit. Since then several have been approved, and the approval has typically been subject to the applicant developing a formal emergency response plan approved by the Health Department. Staff has deemed this an appropriate mitigation of the potential increased risk associated with locating a private school in an industrial district. An emergency response plan for this use has been prepared and reviewed by the Health Department, and subject to the conditions of this report, this request complies with the Zoning Ordinance and Comprehensive Plan.

RECOMMENDATION:	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 3, Block 1, Rentworth Addition.

EXISTING LAND USE: Commercial

SURROUNDING LAND USE AND ZONING:

North:	Cement Plant	I-1
South:	Retail, Commercial, Office	I-1
East:	Office, Auto Repair	I-1
West:	Convenience Store, Bar, Retail	I-1

HISTORY: Changed from AA Rural and Public Use to K Light Industry in July of 1964. Converted to I-1 Industrial with the approval of the 1979 Zoning Update.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page V1 - The vision of the 2025 Comprehensive Plan indicates that the core promise of the plan is “to maintain and enhance the health, safety and welfare of our community during times of change, and to promote our ideal and values as changes occur”(V-1).

Page F25 - The 2025 Comprehensive Plan identifies this area as Industrial.

Page F39 - The Lincoln-Lancaster County Health Department shall be involved in siting of new industrial centers to ensure the public’s health and safety. As a result, The Lincoln-Lancaster County Health Department has always been involved in reviewing and commenting on public safety issues in existing industrial zones, namely the siting of private schools and early childhood care facilities.

Page F167 - The Comprehensive Plan states that Public Safety and Health Services shall “Assure that every child and youth are provided adequate housing, nutrition, health care, protection, education, recreation and creative freedom to develop his or her unique potential.”

ANALYSIS:

1. Private schools are allowed in the I-1 zoning district by special permit. This is a request for a special permit to operate a dance and cheer studio, a use that is defined as a private school in the Zoning Ordinance.
2. The school is located in the approximate north one-third of a multiple-tenant commercial building located in the I-1 zoning district. The use will occupy approximately 3,500 square feet of floor area, and will accommodate up to 30 students and five staff.
3. The requirements of Lincoln Municipal Code Section 27.63.075 Permitted Special Use: Private Schools are as follows.

(a) Private schools, including but not limited to business or commercial schools, dance or music academies; gymnastic or martial arts schools; and special schools, when not otherwise permitted in the district, may be allowed by special permit in the AG, AGR, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-T, O-1, O-2, O-3, or I-1 zoning districts. Private schools shall not include: (1) Early childhood care facilities; or (2) Public or private schools that meet the State of Nebraska requirements for elementary or secondary education.

This request is located in the I-1 zoning district and is considered a private school. It is not however, a private school that meets the State of Nebraska requirements for elementary or secondary education.

(b) The application for a special permit for a private school shall be accompanied by the following information: (1) Number of children, time separation between classes, number of staff members on the largest shift, and limitations on hours and classes to minimize the number of persons on site at any one time.

The applicant states that the class size will be up to 30 students, split into two groups of 15 in two separate rooms with five staff members. Hours of operation are 4:30 -9:00 p.m., Monday through Friday, and 9:00 to noon on Saturday, with no breaks between classes.

(c) A physical description of the facility and a site plan drawn to scale that includes, but is not limited to, the location and arrangement of parking spaces, the traffic circulation pattern, loading and unloading area, and entrances/exits to such facility. The parking and the loading and unloading area for such facility must comply with the provisions of Chapter 27.67.

Considering the proposed use and the other existing uses in the building, 33 off-street parking stalls are required on this site. However, only 25 stalls are shown on the site plan. The number of parking spaces required can be reduced to 23 if a 30-minute break between classes is provided. Otherwise, either the number of students and employees must be limited to not require more than 23 spaces, or additional spaces within 300' of the site must be provided.

(d) If the proposed facility is located in an industrial district, the applicant shall submit information on the storage and use of hazardous chemicals in the vicinity, evacuation plans, and internal air quality control to the Health Department for its review and recommendation.

The Health Department notes that the applicant has completed an emergency response plan. It includes provisions in the event of a hazardous condition, and an evacuation plan. A letter confirming that staff and students can be evacuated to the Good Shepard Lutheran Church is also attached. Provisions regarding a ventilation system cutoff switch and hazardous materials notification are also required and are included as conditions of approval.

4. The land uses in the area are generally more commercial than industrial with some exceptions. The more intensive land uses include the cement plant to the north and auto repair shops. There is an auto repair facility located in the building adjacent to the east. Uses such as auto repair and others which store and use hazardous materials for use on-site are of concern. The emergency response plan is required to protect a potentially vulnerable population for the heightened risk of exposure to harmful materials used by such businesses.

CONDITIONS OF APPROVAL:

Site Specific Conditions:

1. This approval permits a private school for up to 30 students and five staff with a revised class schedule showing a 30-minute break between classes, or a reduced number of students and staff where the associated parking requirement for the entire site does not exceed 25 spaces.

General Conditions:

2. Before receiving building permits:
 - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department for review and approval.
 - 2.1.1 A revised site plan with class schedule including 5 copies showing the following revisions:
 - 2.1.1.1 A revised class schedule showing a 30-minute break between classes, or showing a reduced number of students and staff where the associated parking requirement for the entire site does not exceed 25 spaces.
 - 2.1.2 A revised emergency response plan that indicates: 1 - an electrical circuit breaker switch for the heating/ventilation/air conditioning system is installed and clearly marked and readily accessible at all times, and that the staff is trained on how to locate and operate the circuit breaker switch; 2 - That within 48 hours of becoming aware that quantities of hazardous materials requiring a permit under Section 19.03.100 of the Lincoln Municipal Code are being stored, transported, dispensed, used, or handled on property within 300 feet of the building area being used for the applicant's facility, notify the

LLCHD of such condition. Following such notification, the applicant shall, in cooperation and consultation with the LLCHD, attempt to work with the owner of property upon which such hazardous materials are being stored, transported, dispensed, used or handled to arrive at a means to assure the health, safety, and welfare of persons using the applicant's property. The applicant shall further cooperate with the LLCHD in determining measures which may be taken on the applicant's property to protect the health safety, and welfare of persons using the applicant's property, including, but not limited to, establishment of training programs for employees to assure detection of hazardous materials and evacuation of the premises, installation of filtration systems in the HVAC system of the building, or other precautionary measures. The LLCHD will provide technical assistance in this matter.

Standard Conditions:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying building all development and construction is to comply with the approved plans.
 - 3.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant

Prepared by

Brian Will, 441-6362, bwill@lincoln.ne.gov
Planner
May 11, 2006

APPLICANT/

CONTACT: Kari Neth
4820 Rentworth Drive
Lincoln, NE 68516
402.423.4048

OWNER: Ron Smith
13200 South 68th Street
Roca, NE 68430
402.498.4441



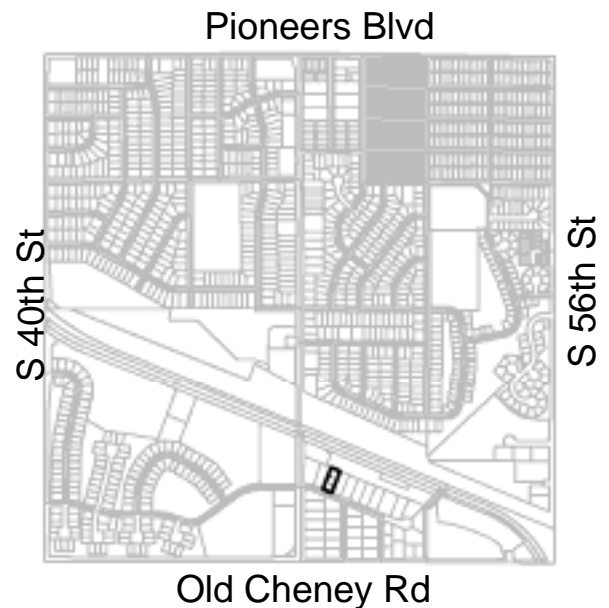
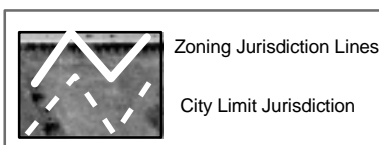
2005 aerial

Special Permit #06032 S 48th & Rentworth Dr

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 08 T09N R07E





BUILDING PARAMETERS

AREA OF LOT:
35 Acres (100' x 240')

AREA OF BUILDING:
10,750.00 s.f.

AREA OF CONTRACT:
35,000.00 s.f.

EXISTING CONSTRUCTION:
MASONRY BLOCK WALLS

ZONING:
1-1

NOTE: THIS BUILDING MAY ONLY BE USED FOR THE PERMITTED USES OR CONDITIONAL USES SPECIFIED IN THE CITY ORDINANCES OF THE LOCAL CODE UNDER A SPECIAL PERMIT IS OBTAINED FOR A SPECIAL PERMITTED USE AS SPECIFIED IN TITLE 21 OF THE LINCOLN MUNICIPAL CODE FOR THIS ZONE.

OCCUPANCY TYPE(s):

A-3 (AREA OF CONTRACT)
NOTE: THE REMAINDER OF THIS BUILDING IS UNOCCUPIED. THEREFORE, THE OCCUPANCY IS UNKNOWN.

PARKING REQUIREMENTS:

(LIN. MUNC. CODE 216.1040-d (1))
PARKING RATIO (FOR AREA OF CONTRACT):
1.5 STUDENTS PER SESSION + 1.0 EMPLOYEE
REQUIRED PARKING STALLS = 2
(15 STUDENTS PER CLASS SESSION (10 CONSECUTIVE SESSIONS), PLUS 2 EMPLOYEES)

PARKING RATIO (FOR REMAINDER OF BUILDING):
1:1000 s.f. (1750 s.f.) (NOT IN CONTRACT)

REQUIRED PARKING STALLS = 8

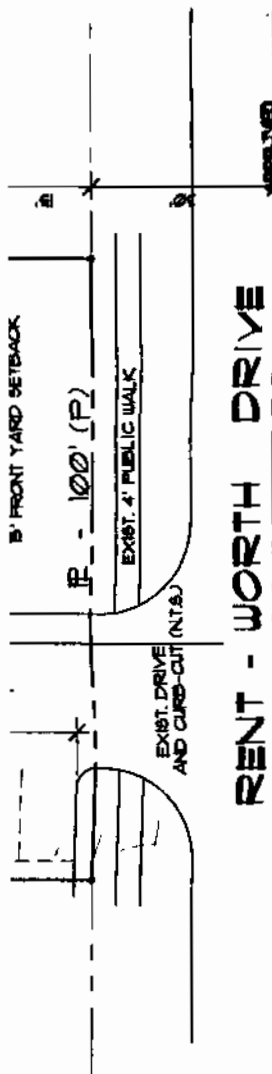
ACTUAL PARKING STALLS = 25

HANDICAPPED PARKING STALLS = 1 (VAN ACCESSIBLE)

NOTE: ANY LOGS-CORRUGATED IN CONTACT WITH CONCRETE OR MASONRY MUST BE TREATED. A.E.

LEGAL DESCRIPTION

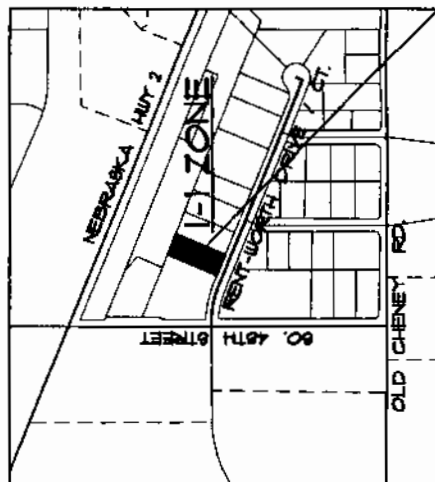
LOT 3, BLOCK 1
RENT-WORTH
LINCOLN, LANCASTER CO., NEBRASKA



RENT - WORTH DRIVE

SITE PLAN

SCALE: 1" = 20'-0"



VICINITY PLAN

SCALE: NONE



WALL TYPE LEGEND

EXTERIOR WALLS:
EXISTING CONCRETE MASONRY UNITS

FINISHED WALLS:
(A) 1-1/2" METAL FURRING STRIPS @ 24" O.C.
W/ 1-1/2" FOAM INSULATION 1-1/2" R
W/ 5/8" GYP. BD. PAINT

(B) 1-1/2" METAL FURRING STRIPS @ 24" O.C.
W/ 5/8" GYP. BD. TO 5', PAINT
PAINT CONT. ABOVE 5' TO CEILING

NEW INTERIOR WALLS:

(A) 3-5/8" METAL STUDS @ 24" O.C.
W/ 5/8" GYP. BD. TO 16' (EXERCISE SIDE)
TO 5' (FOYER SIDE) PAINT

(B) 3-5/8" METAL STUDS @ 24" O.C.
W/ 5/8" GYP. BD. E.B. TO 5'; PAINT

FAUCET

PIPING

CLUB KICKS

Evacuation Map



DRIVE
WAY

← CHEER ROOM

Lobby

Office

Restroom

Restroom

DRIVE
WAY

← DANCE ROOM

RECEIVED

APR 26 2006

LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT



4820 Rentworth Drive
Lincoln, NE 68516
423-4048

April 13, 2006

Purpose statement

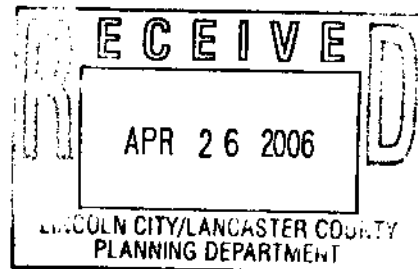
Club Kicks Dance and Cheer Studio would like a special to permit to have its private school in an I-1 zone. We are located at 4820 Rentworth Drive.

This is an excellent location for the school because parents can pull up to the door to drop off and pick up their child. Since it is a low traffic area the kids are safe going to and from the studio. All students are required to wait inside the studio until their parents arrive. Many of the parents provide dinner/snacks for the kids by patronizing the Gas N Shop's convenience store, Stauffer's Restaurant, Valentino's, Sonic and the sub shop.

Club Kicks teaches children from 3-18 years old cheer and dance. We have two rooms that hold 15 students each. There is no break time between classes. Our regular hours of operation are 4:30-9 p.m. Monday-Friday, 9-Noon on Saturday. At the peak capacity we have 30 kids and 5 staff members. There is a waiting area for parents and there is between 3-8 parents always waiting. If there is a need for evacuation please see attached evacuation plan.

Our hours are mostly opposite of all the other businesses. We have worked out with Daily Driver and Andy's Appliance that they can use our parking spaces during the day when we are not there and we can use their parking spaces in the evening when they are closed.

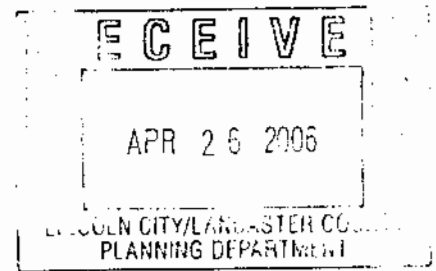
Kari Neth
Club Kicks, Director



www.clubkicks.com ~ kari@clubkicks.com ~ carol@clubkicks.com



4820 Rentworth Drive
Lincoln, NE 68516
423-4048



EVACUATION PLAN

Club Kicks has prepared the following evacuation plan to ensure the safety of its students in the event that any hazardous condition or situation may occur.

House In Place Scenario

Immediately upon becoming aware of hazardous fumes, spills, fires or any other hazardous condition, the following steps will be taken.

1. Club Kicks Staff will turn off the HVAC system via breaker switch. All staff will be trained appropriately.
2. The most senior staff person will call 911
3. Staff will check all rooms for children, student and patron accountability, everyone will go to the safe room which will be the restrooms and will remain there until the fire department or health department gives clearance.
4. If there is any hazardous exposure inside, the health department will be contacted immediately at 402-441-8000

In the event that an evacuation would be necessary as given by emergency personnel, the following steps of evacuation will be taken:

1. All children, students and patrons will be transported to Good Shepherd Luther Church parking lot located at South 40th and Wildbriar.
2. Evacuation will be accomplished with the use of Club Kicks SUV, and staff personal vehicles. Parents who are on premises may take their child(ren) and/or student(s) and transport them.
3. Order of priority will be given to parents with infants and then the youngest first to the oldest last.
4. Once at the safe location the students will be accounted for and then the parents or guardian will be notified of the situation and will be required to pick them up.
5. In the event that multiple trips for student transportation may be needed, a senior staff member will be left in charge at the church and Club Kicks until all students/patrons have been evacuated. This would be highly unlikely because there is 5 staff each with a car and waiting parents so we would be able to fit all the students in a car on the first trip.



www.clubkicks.com ~ kari@clubkicks.com ~ carol@clubkicks.com



April 14, 2006

Kari Neth
Club Kicks
4820 Rent-Worth Dr.
Lincoln, NE 68516

Rev. Clint K. Poppe
Rev. Lance Berndt



Lutheran Church (MISSOURI SYNOD)

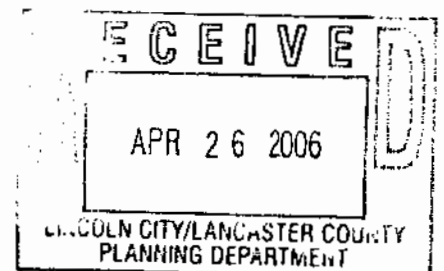
Good Shepherd Elementary and "Helping Hands Preschool"
3825 Wildbriar Lane • Lincoln, Nebraska 68516-4502
(Just North of 40th and Old Cheney Road)
Church Phone: (402) 423-7639 • Fax: (402) 423-0984
School and Preschool Phone: (402) 423-7677
www.goodshepherdlincoln.org

Kari,

This letter is to confirm that Good Shepherd Lutheran Church will serve as the evacuation location for the personnel and students from Club Kicks in the event of an emergency evacuation.

Blessings,

Jan Knaus
Office Mgr.





Status of Review: **Approved**

04/28/2006 10:58:28 AM

Reviewed By **Building & Safety**

BOB FIEDLER

Comments: approved

Status of Review: **Denied**

04/28/2006 11:50:41 AM

Reviewed By **Building & Safety**

Terry Kathe

Comments: It appears that the parking requirement for this building, based on the class schedule would be 33 stalls(using 8 stalls for the south tenant-1/1000), unless the schedule installs a 30 minute break between classes. If the 30 minute break is scheduled, the parking count for this building would be reduced to 23 stalls.

Reviewed By Health Department

ANY

Comments: LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION

TO: Brian Will DATE: May 8, 2006

DEPARTMENT: Planning FROM: Chris Schroeder
ATTENTION: DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: Club Kicks
EH Administration SP #06032

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the special permit application with the following noted:

The current zoning for the area of the special permit application is I-1. Historically, the LLCHD has advocated against locating susceptible populations (i.e. children) in industrial zones.

The applicant shall develop an emergency response plan to the satisfaction of the LLCHD, both written and drawn, including a house-in-place scenario and an off-site evacuation. The LLCHD may provide technical assistance in this matter. The applicant has completed this task.

The electrical breaker switch of the heating, ventilation and air conditioning (HVAC) system shall be clearly marked and readily accessible at all times to the applicant's staff or the applicant shall equip the building with not more than two emergency shut-off switches so the HVAC system can be immediately shut down in the case of a hazardous chemical spill in the area to the satisfaction of the LLCHD. The shut-off switch shall be located so that it is easily accessible at all times to the applicant's staff. The applicant's staff shall be trained on how to locate and operate the electrical breaker switch or the emergency shut-off switch. The applicant has completed this task.

The applicant shall, within 48 hours of becoming aware that quantities of hazardous materials requiring a permit under Section 19.03.100 of the Lincoln Municipal Code are being stored, transported, dispensed, used, or handled on property within 300 feet of the building area being used for the applicant's facility, notify the LLCHD of such condition. Following such notification, the applicant shall, in cooperation and consultation with the LLCHD, attempt to work with the owner of property upon which such hazardous materials are being stored, transported, dispensed, used or handled to arrive at a means to assure the health, safety, and welfare of persons using the applicant's property. The applicant shall further cooperate with the LLCHD in determining measures which may be taken on the applicant's property to protect the health safety, and welfare of persons using the applicant's property, including, but not limited to, establishment of training programs for employees to assure detection of hazardous materials and evacuation of the premises, installation of filtration systems in the HVAC system of the building, or other precautionary measures. The LLCHD will provide technical assistance in this matter.

Status of Review: **Routed**

Reviewed By **Planning Department**

COUNTER

Comments:

Status of Review: **Active**

Reviewed By **Planning Department**

BRIAN WILL

Comments:

Status of Review: **Complete**

Reviewed By **Planning Department**

RAY HILL

Comments:

Status of Review: **Active**

Reviewed By **Public Works - Development Services**

ANY

Comments:
